

Remarks

Claims 1-18, 20, 22, 24-27, 29-30, 32-45, 47-51, and 54-59 are pending in the application. Claims 1 and 2 are currently amended. Claims 31 and 46 are currently cancelled.

No new matter has been introduced by virtue of the amendments made herein. Accordingly, applicants respectfully request their entry for the purposes of appeal. In view of the amendments made herein and the remarks below, applicants respectfully request reconsideration and withdrawal of the rejection set forth in the February 22, 2006 Office Action.

Non-Elected Subject Matter

In the Advisory Action, the Examiner noted that the amended claims would be allowable if the non-elected subject matter was cancelled, specifically those compounds of formula I wherein R^3 is not a heterocyclic group and p is 1.

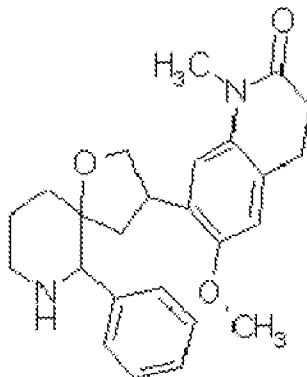
Without prejudice, Applicants have amended the claims to delete the non-elected subject matter. Applicants hereby reserve the right to prosecute the cancelled, non-elected subject matter at a later date.

Rejection under 35 USC § 112, Second Paragraph

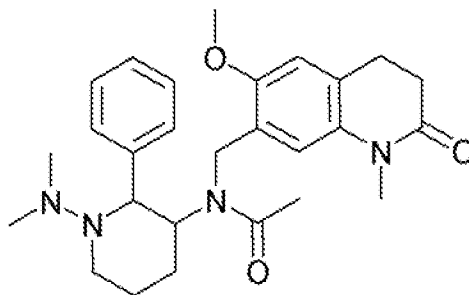
The Examiner rejected claim 1 and its dependant claims 35 USC § 112, second paragraph, as allegedly being indefinite because the recitation in claim 1 of "A" as "CH₂" in formula I is unclear.

In an earlier amendment, applicants' attempted to point out that when "B" is absent (as defined in claim 1 in formula I), there is no valency problem with A when A = CH₂ because, in this instance, A is only bonded to G and the aromatic ring containing Y and Z.

However, in the interests of facilitating prosecution, applicants have amended claim 1 to remove any alleged ambiguity. As currently amended claim 1 now stands, there is an optional bond between A and B that exist only when B is methylene or ethylene (i.e. not hydrogen). For example, one embodiment of formula I when B is methylene and A is CH is 6-Methoxy-1-methyl-7-(6-phenyl-1-oxa-7-aza-spiro[4.5]dec-3-yl)-3,4-dihydro-1H-quinolin-2-one (See page 12 of specification, in preferred compound list):



Further, one embodiment when B is hydrogen and A is CH₂ is 7-[(1-Dimethylaminoacetyl-2-phenyl-piperidin-3-ylamino)-methyl]-6-methoxy-1-methyl-3,4-dihydro-1H-quinolin-2-one (See bottom of page 10 of the specification),



Accordingly, applicants respectfully submit that in view of the amendment made to claim 1 herein, and the remarks above, the pending claims are patentable under 35 USC § 112, second paragraph, and respectfully request that the Examiner to withdraw the rejection.

In view of the amendments set forth herein and remarks above, applicants respectfully submit that the pending claims are fully allowable, and solicit the issuance of a notice to such effect. If a telephone interview is deemed to be helpful to expedite the prosecution of the subject application, the Examiner is invited to contact applicants' undersigned attorney at the telephone number provided.

The Commissioner is hereby authorized to charge any fees required under 37 C.F.R. §§1.16 and 1.17 or to credit any overpayment to Deposit Account No. 16-1445.

Date: _____

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